

EXHIBIT C

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY

3 - - -

4 IN RE: JOHNSON & : MDL No.
5 JOHNSON TALCUM POWDER : 16-2738
6 PRODUCTS MARKETING, : (MAS) (RES)
7 SALES PRACTICES, AND :
8 PRODUCTS LIABILITY :
9 LITIGATION :

10 SUPERIOR COURT OF NEW JERSEY
11 LAW DIVISION, ATLANTIC COUNTY

12 - - -

13 IN RE: TALC-BASED : Consolidated
14 POWDER PRODUCTS : Docket No.
15 LITIGATION : ATL-L-2648-15
16 :
17 : MCL Case No.
18 : 300

19 - - -

20 January 10, 2024

21 - - -

22 Remote Oral Expert
23 deposition of JUDITH KAY WOLF, M.D.,
24 conducted at the location of the witness
in Austin, Texas, commencing at 10:15
a.m. Eastern, on the above date, before
Kimberly A. Cahill, a Federally Approved
Registered Merit Reporter, Certified
Court Reporter, and Notary Public.

25 - - -

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1 So our position is we go
 2 forward today, that the deposition
 3 will be completed, will not be
 4 held open, which is the request
 5 that counsel for Johnson & Johnson
 6 has made.
 7 So that's the position I
 8 would take this morning. We're
 9 happy to meet and confer about
 10 that further, but considering the
 11 hour, you know, I would just say
 12 let's leave these disputes to be
 13 resolved later and continue with
 14 the deposition.
 15 MR. HEGARTY: For the
 16 Johnson & Johnson Defendants, I
 17 note that the Special Master
 18 opinion and order number 6 from
 19 July 30th, 2021 noted or required
 20 that -- or ordered that plaintiffs
 21 and defendants shall produce at
 22 least three days before their
 23 experts' depositions all documents
 24 considered by the experts in

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1 forming their opinions, as well as
 2 all documents requested in the
 3 applicable notices of deposition.
 4 The three reports that Ms.
 5 O'Dell referenced, Dr. Longo's
 6 exposure report of November 17,
 7 2023, Dr. Longo's third
 8 supplemental report of November
 9 17, 2023, and Dr. Levy's report of
 10 November 2023, were not disclosed
 11 to the Johnson & Johnson
 12 Defendants or their counsel three
 13 days in advance of the deposition
 14 and, in fact, the materials that
 15 we were provided included some
 16 reports and other materials, but
 17 none of the three that we are --
 18 that I just referenced.
 19 We were first provided
 20 notice of which of those reports
 21 that Dr. Wolf had reviewed this
 22 morning. We did get an e-mail
 23 yesterday of a reference to Dr.
 24 Levy having reviewed Dr. Longo's

Page 20

1 reports, without a reference to
 2 what specific reports that was in
 3 relation to. There was a -- also
 4 a comment or statement about
 5 providing an updated or amended
 6 materials considered list
 7 yesterday that was not provided.
 8 It's still not been provided.
 9 The materials that we're
 10 talking about do pertain to three
 11 of the plaintiffs for which Dr.
 12 Wolf has case-specific opinions
 13 about. Neither I nor any other
 14 counsel to my knowledge for
 15 Johnson & Johnson certainly have
 16 reviewed those materials for
 17 purposes of today's deposition and
 18 I'm certainly not prepared to go
 19 forward and question Dr. Wolf
 20 about reports for which I have not
 21 reviewed or even seen.
 22 So we would object to any
 23 contention that this deposition in
 24 the time we have today is limited

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1 -- would include those materials,
 2 that we would have to spend our
 3 time on those materials, which we
 4 again did not receive notice of
 5 until this morning.
 6 So subject to that, we are
 7 prepared to go forward on the
 8 remain -- on what we have received
 9 notice about and what we are to
 10 prepared to discover -- what are
 11 prepared to discuss with Dr. Wolf,
 12 but certainly not those three
 13 reports.
 14 MS. O'DELL: Mr. Hegarty, we
 15 agree to disagree and -- but I
 16 would just -- it's 9:30 and Dr.
 17 Wolf has been waiting, so I would
 18 ask that you proceed with the
 19 deposition and we'll, off the
 20 record with the assistance of, I'm
 21 sure, Judge Schneider, will try to
 22 resolve this issue.
 23 MR. HEGARTY: Yes. And I
 24 just want to make it clear, if I

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1 MS. O'DELL: You may. But,
 2 I mean, I'm not saying we're going
 3 off the record. I mean, if you're
 4 going to ask her questions and
 5 mark an exhibit, she will look at
 6 it. If it's not that long, she'll
 7 answer your questions. If she
 8 needs a few more minutes, then we
 9 can go off the record.
 10 But I just want to -- it's
 11 not clear -- if we don't have a
 12 paper copy here and you show a
 13 limited version -- I'm not being
 14 pejorative about that, there's
 15 just a limited amount of screen --
 16 she can't see the whole thing and
 17 I think that's important. And
 18 that's been important all day in
 19 every sense.
 20 So if you want to mark
 21 something, just send it to me.
 22 She can look at it while we're --
 23 and then she'll be prepared to
 24 answer your questions.

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1 MR. HEGARTY: Well, let's
 2 try this, because I think we can
 3 do this without sharing.
 4 BY MR. HEGARTY:
 5 Q. Doctor, do you see the
 6 document I'm showing you on my screen?
 7 MS. O'DELL: And, Mark,
 8 you're going to e-mail it to me?
 9 MR. HEGARTY: Well, I tried
 10 and it wasn't -- it was not going.
 11 MS. O'DELL: Yeah, if you --
 12 you can e-mail it to me I think if
 13 you just do share, send an e-mail.
 14 MR. HEGARTY: Oh, I know
 15 that.
 16 MS. O'DELL: Okay.
 17 MR. HEGARTY: It's not
 18 letting me do it.
 19 MS. O'DELL: That's -- if we
 20 can't see the document, she can't
 21 adequately respond to your
 22 questions.
 23 MR. HEGARTY: Well, I'll let
 24 her answer that if that's her

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1 response.
 2 BY MR. HEGARTY:
 3 Q. Doctor, do you see the
 4 document I'm showing on my screen?
 5 A. I see the little bit that
 6 you're showing. I would like to see the
 7 whole document.
 8 MR. HEGARTY: Understood.
 9 I'll designate this as Exhibit No.
 10 18.
 11 - - -
 12 (Deposition Exhibit No.
 13 Wolf-17, "Talcum powder induces
 14 malignant transformation in normal
 15 human primary ovarian epithelial
 16 cells" Paper by Harper, et al, was
 17 marked for identification.)
 18 - - -
 19 (Deposition Exhibit No.
 20 Wolf-18, PLOS ONE Reviewer
 21 Comments, SAED_SEPT222021_
 22 SUPPL_000100 through
 23 SAED_SEPT222021_SUPPL_000104, was
 24 marked for identification.)

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1 - - -
 2 BY MR. HEGARTY:
 3 Q. And as you mentioned, you
 4 have not seen reviewer comments to Dr.
 5 Saed's paper; correct?
 6 A. I have not.
 7 Q. I'm going to scroll down to
 8 the section under major comments. Do you
 9 see the section I'm -- under the heading
 10 "Major Comments"?
 11 MS. O'DELL: Excuse me. I
 12 object to this line of
 13 questioning. Dr. Wolf has asked
 14 to see it and, Mark, you can just
 15 -- you can just e-mail it to us.
 16 I don't -- that's available in my
 17 PDF program. I'm sure it is for
 18 you, too.
 19 I actually wonder if you use
 20 the little paperclip on the side
 21 of your screen there, you probably
 22 can e-mail it, but Dr. Wolf is
 23 entitled to see it.
 24 Now, you can also, which I'm

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1 so happy for you to do this, put
 2 it in the chat and you can -- put
 3 it in the chat and then Dr. Wolf
 4 is free to pull it up on her
 5 computer and look at it and
 6 certainly would be happy to answer
 7 your questions.
 8 MR. HEGARTY: Leigh, I know
 9 you have this document already, so
 10 I think it's -- I think it's kind
 11 of disingenuous for you to ask me
 12 -- or present an obstacle to me
 13 using this document and asking me
 14 to send it to you when you have
 15 this document.
 16 MS. O'DELL: Well, Mark, to
 17 be perfectly fair -- and I won't
 18 say you're being disingenuous.
 19 I'm going to not say that. I'm
 20 going to try to just be clear --
 21 there are thousands of documents
 22 that have been produced in this
 23 litigation, and Dr. Wolf is
 24 prepared to answer your questions,

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1 but this is not a document that is
 2 on her materials list and if you
 3 want her to answer questions about
 4 it, you need to provide it.
 5 That's all I'm asking. I
 6 think it's perfectly fair.
 7 MR. HEGARTY: You already
 8 have a copy of it, so let's
 9 continue.
 10 MS. O'DELL: No, absolutely,
 11 she is not answering questions
 12 about this --
 13 MR. HEGARTY: You're going
 14 to instruct her not to answer?
 15 MS. O'DELL: I'm going to --
 16 I'm asking you, actually, to
 17 provide a copy of the document to
 18 me.
 19 You're super-sophisticated.
 20 You're able to do that. You can
 21 do it through the chat or you can
 22 send me an e-mail and we can get
 23 it on Dr. Wolf's screen. She can
 24 have an opportunity to review it

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1 in totality.
 2 It's a five-page document,
 3 single-spaced, with a lot of data
 4 on it and this is a very
 5 complicated subject.
 6 And for you to want to put
 7 up a very small amount and
 8 cherry-pick the comments without
 9 giving her opportunity to
 10 understand the context, I just
 11 think it's unfair.
 12 And so, again, send it to
 13 Dr. Wolf by the chat. Send it to
 14 me by e-mail, I'll get it to her,
 15 happy to answer your questions.
 16 MR. HEGARTY: Let's go off
 17 the record. Let's go off the
 18 record because -- let's go off the
 19 record.
 20 - - -
 21 (A discussion off the record
 22 occurred.)
 23 - - -
 24 MS. O'DELL: I would like to

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1 go back on the record, Kim, so I
 2 can put this on the record. Thank
 3 you so much.
 4 Mark, what you're asking is
 5 to put a limited portion of a
 6 five-page dense document before
 7 Dr. Wolf and ask her something,
 8 without giving her the opportunity
 9 to review the document in
 10 totality. She's entitled to that.
 11 This is not on her materials
 12 considered list and if she's going
 13 to be shown something that's not
 14 on her materials considered list,
 15 then that's the only fair way to
 16 do it.
 17 Every other study that
 18 you've asked her about that's on
 19 her list, she has a copy here,
 20 she's been ready to go.
 21 So if you want to pursue
 22 this inquiry, please, you're
 23 entitled to do that, but you're
 24 not entitled to do it in a way

<p style="text-align: right;">Page 242</p> <p>1 that's unfair to Dr. Wolf and 2 that's point I'm making. 3 MR. HEGARTY: Well, the 4 procedure you're talking about is 5 one that's going to, for her just 6 to review the document, take a 7 half an hour to review. 8 MS. O'DELL: I don't know 9 that she would do that, but she's 10 entitled to look at it in context. 11 And to be fair, you know, 12 we're here by Zoom. We were 13 willing to be -- have you here in 14 person. If we were here in 15 person, you would have handed Dr. 16 Wolf a copy of the document. 17 Obviously, it's more convenient 18 for you to do it by Zoom. We're 19 happy to accommodate that. 20 There's no problem. 21 But under those 22 circumstances, we need to have the 23 documents that are going to be 24 marked in their totality and --</p>	<p style="text-align: right;">Page 244</p> <p>1 working with you a long time. 2 And so that's the issue. 3 MR. HEGARTY: Well, I think 4 that's an inappropriate approach, 5 but if we're going to do that, 6 I'll e-mail those to you, but 7 we're -- and the review needs to 8 be -- needs to be off the record, 9 not on the record. 10 MS. O'DELL: Well, send them 11 to us. She'll pull them up. If 12 she needs more time, Dr. Wolf is 13 -- will let you know she needs 14 more time to review it. 15 MR. HEGARTY: Well, the 16 documents we are talking about 17 are, as you said, around five 18 pages. You've seen them. You 19 know that it's going to take -- if 20 you're insisting that she read the 21 entirety of it, it's going to take 22 several minutes. 23 MS. O'DELL: Well, Mark, 24 just send them and she'll look at</p>
<p style="text-align: right;">Page 243</p> <p>1 MR. HEGARTY: So it's your 2 position, I want to make it clear, 3 that if we don't provide a 4 document to you, either in advance 5 or at the deposition, that the 6 doctor does not have with them, 7 then you will instruct the doctor 8 not to respond to questions. 9 MS. O'DELL: That's not what 10 I'm saying. And we have had many 11 instances in this litigation where 12 there's been a document that's 13 been subject to inquiry and the 14 lawyer for Johnson & Johnson has 15 put it in the chat if it wasn't 16 something the witness had before 17 them. 18 That's so reasonable. I'm 19 asking for something that has been 20 done consistently -- you're saying 21 -- you either refuse to put it in 22 the chat, you refuse to e-mail it, 23 or you're incapable. I don't 24 think you're incapable. I've been</p>	<p style="text-align: right;">Page 245</p> <p>1 and Dr. Wolf, if she believes she 2 needs more time, she will let you 3 know and we'll go off the record, 4 but just send them to us. 5 The reason I said five pages 6 is that's what you had up, was a 7 five-page document. I don't know 8 what you had pulled up. I only 9 saw a small portion of it either, 10 have no context for it, and it's 11 certainly not something I have a 12 hard copy of it here. 13 So again, provide them, Dr. 14 Wolf can look. If she needs more 15 time, so be it. If she doesn't, 16 she'll answer your questions. 17 MR. HEGARTY: Let's go off 18 the record and I'll e-mail those 19 to you. Off the record. 20 MS. O'DELL: We'll take two 21 minutes. 22 - - - 23 (A discussion off the record 24 occurred.)</p>